

REVISED AGENCY ESTIMATE
OF THE FISCAL IMPACT OF IMPLEMENTING
HB 421 2011 General Session
Use of Public Building For Political Caucus

Sponsor: Representative Derek E. Brown
Agency Contact: Jenefer Youngfield 25 Feb 2011
Agency Utah State Office of Education

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A. Short Form (For bills that have no impact on the state, local governments, businesses, or individuals.)

If you can check all five boxes to the right, you're almost done. If the bill obviously doesn't have an impact, you're done.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | State agencies will not require an appropriation to implement the bill. |
| <input checked="" type="checkbox"/> | There is no fiscal impact on local governments. |
| <input type="checkbox"/> | There is no fiscal impact on businesses. |
| <input type="checkbox"/> | There is no fiscal impact on individuals. |
| <input type="checkbox"/> | The bill will not affect revenues. |

If it isn't so obvious, explain what's going on. The most usual explanation is the codification of existing practices.

Attachments welcome.

If necessary, explain why this bill has no fiscal impact.

This bill requires the legislative body of a county, municipality, or school district to make facilities under its control available for caucus meetings if the party requests... *Continued on second tab.*

B. What parts of the bill cause fiscal impact?

Cite specific sections or line numbers.

Lines 19 and 20, in which a public facility may only charge the political party the actual cost of custodial services for use of the facility, does not take into consideration other costs of using the building and may cause fiscal impact.

C. Which program gets the appropriation?

Enter 3 letter Appropriation Unit Code.

For multiple appropriations

This is of

D. Work Notes: Assumptions, calculations & what are we buying?

Explain the fiscal impact in plain English, detailing your assumptions, methods, & calculations.

List all direct costs. Identify one-time and ongoing costs. Detail FTE impacts.

Do not say, "\$50,000 in Current Expense." Be very specific about what this \$50,000 will buy.

Attachments encouraged.

The bill language, which would restrict charges for the use of facilities to only custodial costs, is contradictory to Utah Code 53A-3-414 which states local school boards ***"may charge a reasonable fee for the use of school facilities as a civic center so that the district incurs no expense for that use."*** It also contradicts Utah Code 53-13-105 which states school districts and charter schools may ***"hire a special functions officer to have charge of the grounds and protect school property when used for civic center purposes"*** who would be a ***"sworn and certified peace officer performing specialized investigations, service of legal process, security functions, or specialized ordinance, rule, or regulatory functions."*** The restriction in this bill of only allowing custodial costs... *Continued on second tab.*

E. REVENUES

Select Fund	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
Total	0	0	0

F. COSTS by FUND

Select Fund	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
Total	0	0	0

G. COSTS by EXPENDITURE CATEGORY.

Expenses by Category	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
Personal Services			
Travel			
Current Expense			
DP Current Expense			
DP Capital Outlay			
Capital Outlay			
Other/Pass Thru			
Total	0	0	0

H. Non-State Impacts

Your estimate of how will the bill affect:

Local Governments

Local school districts and charter schools may not be able to recoup the entire cost of caucus meeting in their facilities, as the bill language only allows the political parties to be charged actual cost of **custodial...** *Continued on second tab.*

Businesses

Businesses, who may formerly have provided space for parties to hold caucus meetings, may see reduced revenues if parties choose to meet in county, municipality, or school district facilities instead of businesses.

Individuals

Political parties would be able to hold their caucus meetings at school facilities upon request 30 days prior to meetings if the building is not already scheduled. Parties may find using public faculties less costly... *Continued on second tab.*

2010 Version 11.09

This is a draft fiscal note response from the Utah State Office of Education (USOE) and may be revised in the future.

Attachments welcome.

REVISED AGENCY ESTIMATE
OF THE FISCAL IMPACT OF IMPLEMENTING
HB 421 2011 General Session continued...

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A. Short Form - continued from first tab...

use of the facility 30 calendar days in advance of the meeting and if the building is not already scheduled to be in use, and provides that a public facility may only charge the political party the actual cost of custodial services for the use of the facility.

B. What parts of the bill cause fiscal impact continued from first tab...

C. Which program gets the appropriation continued from first tab...

D. Work Notes: continued from Tab 1 continued from first tab...

does not take into consideration a variety of other actual costs such as: facility staff involvement in coordinating spaces and schedules, notification to others of space usage, utility costs, equipment rental costs, supervisor costs, insurance costs, grounds charges, site - sanitation facilities costs, the cost of vehicle damage to site, personnel cost for audio visual and computer set-up and/or support or other maintenance after-hour costs related to unforeseen problems such as lighting, heating or cooling problems, the cost of personnel being called out after regular work hours to correct problems, the cost of vandalism or burglary of facilities either caused by participants or related to participants or attendees providing access to unauthorized individuals, other damages costs, and so on. Much of this may currently be included and outlined by school districts and charter schools which have facility rental/use agreements in place (for example see attached 'Jordan School District - Facilities Use and Rental Guidelines - Feb 2011.pdf' and 'Jordan School District Facilities - Rental Fee Schedule - Feb 2011.pdf'), which is not considered in this bill. Language contained in many rental/use agreements incudes requirements for groups/individuals who rent or use facilities to obtain liability insurance, provide a 10% deposit to be retained to cover any damages, sign an agreement to hold the school district or charter school harmless, etc. (see Jordan School District examples). This appears to be no longer allowed under the provisions of this bill. If a charter school or school district does not have a rental/use agreement policy, the bill language would eliminate the option of recouping costs of damages, in scenarios similar to the following: school district "A" rents a facility to a local political party "A " for a caucus meeting without requiring proof of liability insurance because prior experience with political party "B" is that local party "B" is covered under national party "B" liability insurance. During the local party "A" caucus meeting, one of the participants falls and breaks an ankle. School district "A" then finds out local party "A" is not covered under national party "A" insurance and does not have liability coverage, which results in local school district "A" being liable for a \$20,000 cost of the individuals broken ankle. Along with being in contradiction to Utah Code 53A-3-141, this bill may call into question the ability of a school district or charter school to continue to enforce policies of facility rental/use agreements and seems to indicate parts of current policy could no longer be imposed on parties for caucus meetings. If this

is the case, state statute and local school policy would need to be modified to reflect this change. In addition, school districts and charter schools would need to find other ways to cover facility use costs that aren't directly related to custodial services. In addition the bill language stipulation of only a notice of "30 calendar days in advance of the meeting...if the building is not already scheduled to be in use" does not take into consideration the potential of disruption of regular school programs that may need to be scheduled on less than 30 day notice and policies of not having staff available on Sundays and holidays.

E. REVENUES *continued from first tab...*

F. COSTS by FUND *continued from first tab...*

G. COSTS by EXPENDITURE CATEGORY *continued from first tab...*

H. Non-State Impacts *continued from first tab...*

services and doesn't include other actual costs. School districts and charter schools may have to modify policy language related to school rental/use agreements to reflect restrictions outlined in the bill, but would not have to make facilities available to parties if request for caucus meetings are made less than 30 days in advance of meetings.

than other options, as county, municipality, or school district would only be allowed to charge actual cost of custodial services for use of facilities as opposed to the actual total cost. Individuals may see increased costs of using public facilities as entities attempt to make up for caucus meeting use costs they would no longer be able to charge.